

FISCAL NOTE

SB 996 - HB 1356

March 26, 2004

SUMMARY OF BILL: Prohibits damages for loss of consortium in wrongful death lawsuits. If the case involves the patient's medical condition or treatment in a case about personal injuries, the patient, by filing an action placing his or her physical condition at issue, waives the right to privacy of medical records. Any complaint alleging medical malpractice must include an affidavit from a competent expert.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact - If malpractice premium rates are reduced the TennCare program and the state health insurance plan could experience more moderate cost increases in the long term. If malpractice awards were decreased, some persons in need of medical care could become eligible for TennCare.

Estimate assumes:

- The impact of malpractice changes cannot be determined. Such changes may moderate the growth of malpractice insurance premium rates and savings to TennCare would depend upon the amount of savings passed on by providers.
- If awards were reduced, some persons with significant health care costs could spend down their income and become eligible for TennCare sooner than would otherwise occur.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director